## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION

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) CIVIL ACT. NO. 1:18-cv-683-ECM
) [WO]
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## ORDER

On April 5, 2019, the Magistrate Judge filed a Recommendation to which no timely objection have been filed. (Doc. 28). Upon an independent review of the file and upon consideration of the Recommendation, and for good cause, it is

## ORDERED that:

- 1. The Recommendation be and is hereby ADOPTED.
- 2. Defendants' motion to dismiss (doc. 26) be and is hereby GRANTED to the extent Defendants seek dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy available to him during his confinement at the Dale County Jail prior to initiating this cause of action.
- 3. This case is DISMISSED with prejudice under 42 U.S.C. § 1997e(a) for Plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Dale County Jail.

4. No costs are taxed.

A separate Final Judgment will be entered.

DONE this 8th day of May, 2019.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE